

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN KING,

Plaintiff,

No. CIV S-04-1158 MCE KJM P

vs.

SAN JOAQUIN COUNTY
SHERIFF'S DEPARTMENT, et al.,

Defendant.

ORDER

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel under 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

Plaintiff has also requested a 60-day extension of time to file an amended complaint. Good cause appearing, the request will be granted in part.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's June 22, 2005 request for the appointment of counsel is denied;
2. Plaintiff's June 22, 2005 motion for an extension of time is granted in part; and
3. Plaintiff is granted thirty days from the date of this order in which to file an amended complaint.

DATED: June 27, 2005.


UNITED STATES MAGISTRATE JUDGE

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